SCOPING SUMMARY REPORT

PACIFIC COAST GROUNDFISH FISHERY
SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
NATIONAL MARINE FISHERIES SERVICE NORTHWEST REGION

AUGUST 2001

The National Marine Fisheries Service (NMFS) is preparing a comprehensive Supplemental Environmental Impact Statement (SEIS) on the federal management of the Pacific Coast groundfish fishery in the Exclusive Economic Zone (3-200 nautical miles) off Washington, Oregon and California. NMFS is preparing the SEIS to evaluate current groundfish management and assess management options for the future. NMFS first announced this SEIS in a Federal Register *Notice of Intent to Prepare an EIS* (66 FR 18586, 4/10/01). NMFS held public scoping hearings in six West Coast cities between May 22-June 12 and accepted written comments until June 30 to get public input on the range of actions, alternatives and impacts to be considered within the SEIS. The Pacific Fishery Management Council (Council) and its advisory groups also provided comments during their June meeting. This document provides a summary of all comments received and the key issues identified during the scoping process.

Why is NMFS preparing an SEIS on the groundfish fishery now?

Major federal actions, such as the Pacific Coast Groundfish Fishery Management Plan (FMP), must be analyzed in an EIS. The original EIS for the Trawl Fishery FMP off the Pacific Coast was prepared in 1977 and then supplemented with an EIS for the Pacific Coast Groundfish FMP in 1982. More recent documents have focused only on the effects of specific management proposals and their alternatives. The cumulative effects of overall groundfish management on the physical, biological, chemical and socioeconomic environments has not been reviewed since the original EIS.

There have been many changes in the groundfish fishery over the past 20 years and the Council is working on several difficult issues to chart the fishery's future. The Council's recent Groundfish Fishery Strategic Plan, *Transition to Sustainability*, is a guide for future management. These considerations, along with recent litigation on essential fish habitat (EFH), have made this SEIS timely and necessary to evaluate where we have been and where we are going with Pacific Coast groundfish management in a process that is transparent to the public.

What exactly is an EIS or SEIS?

An Environmental Impact Statement (EIS) is a broad analysis document that considers the effects of government actions or activities on the human and natural environment before any major federal decision is made, as required by the National Environmental Policy Act (NEPA). NEPA, signed into law in 1970, is our national charter for protecting the environment. In addition to requiring all federal agencies to evaluate the potential environmental effects of a planned major federal action, NEPA also creates an avenue for public awareness and input early in the

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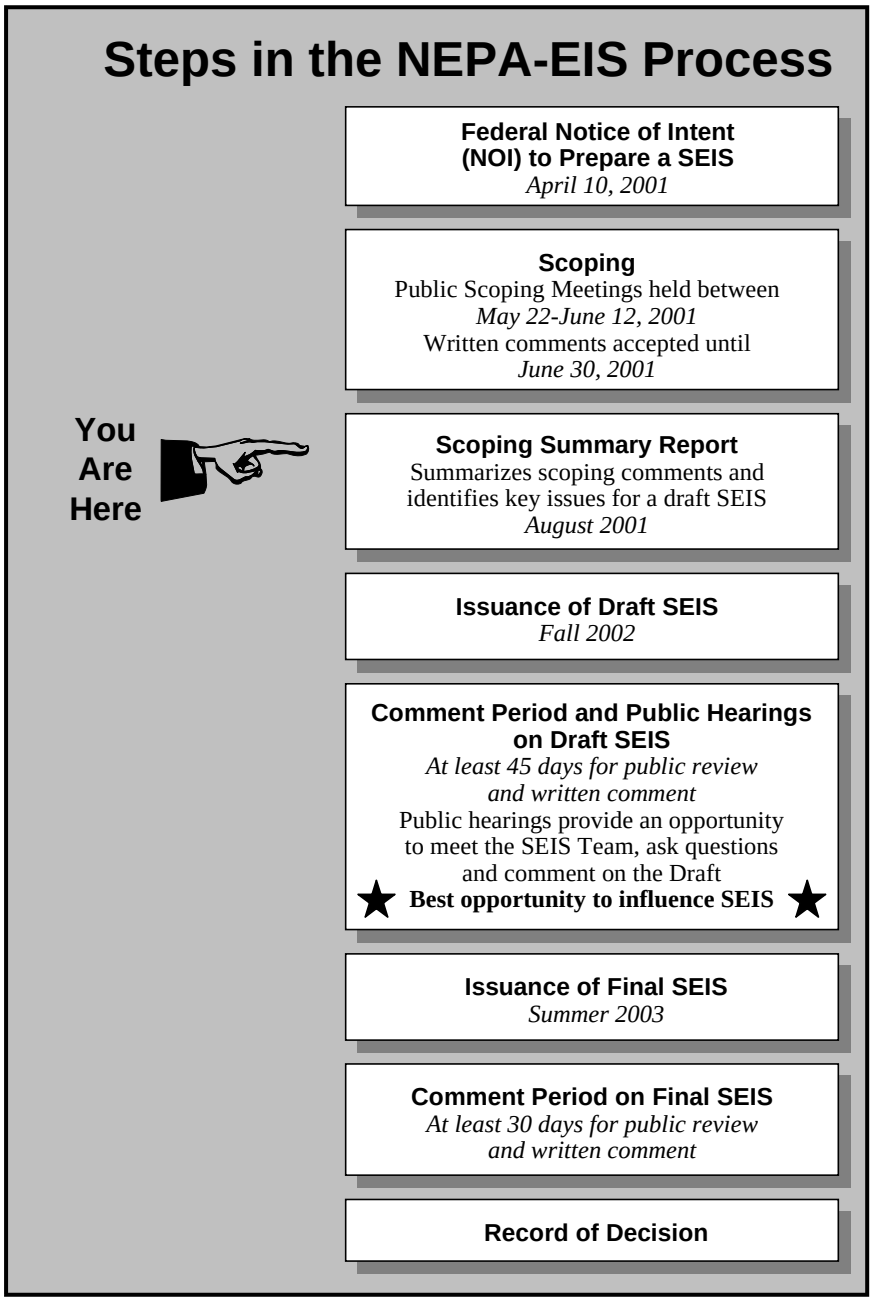
planning stages of major federal actions. NEPA is intended to develop a dialogue between government, stakeholders, and other interested parties.

Different federal actions require different levels of analysis and evaluation based on the expected impacts of the action. Certain actions are excluded from the NEPA process as "categorical exclusions," if they have been previously evaluated and were found to have no significant impact or if they are similar to previous actions that had no significant impact. If the proposed action is not excluded, then either an Environmental Assessment (EA) or an EIS must be prepared. EAs are appropriate for most Council fishery management actions.

An EIS is only prepared once, before a major federal action or decision like the original FMP. After the original EIS is conducted and a decision is made, a Supplemental Environmental Impact Statement (SEIS) may be conducted to reevaluate the actions that have since taken place, as well as considering possible alternatives for future management measures and their impacts. Since the original EIS was prepared in 1977, this new EIS is considered a SEIS. However, both terms are used interchangeably to refer to the current SEIS process.

Where are we in the NEPA-EIS process?

The NEPA-EIS process has a structured feedback system that allows public input along the various stages of the EIS. After the initial scoping period, which ended on June 30, NMFS began preparing a draft EIS. NMFS must analyze potential impacts of the proposed actions, as well as a suite of alternatives, and make its findings available for public and agency review. The diagram on the right summarizes the steps in the NEPA-EIS process and notes which steps include public comment. The entire NEPA-EIS process for the Pacific Coast Groundfish Fishery should take about two years, with a final draft expected in the Summer of 2003.



Pacific Coast Groundfish SEIS Scoping Hearings

CITY	DATE
Newport, OR	May 22
Astoria, OR	May 23
Eureka, CA	May 29
Los Alamitos, CA	May 30
Seattle, WA	June 5
Burlingame, CA *(at Council meeting)*	June 12

What is the purpose of Scoping?

NEPA mandates that "[t]here shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action." This process, termed scoping, allows the public to comment on what the EIS should cover in order to help determine possible alternatives, issues and impacts to be analyzed. The overall purpose of the scoping process is to identify the affected public, identify public and agency concerns, define issues that will be examined, and assign EIS preparation tasks.

For the Pacific Coast Groundfish SEIS, the scoping process included a written comment period from April 10-June 30 along with a series of public hearings in six West Coast cities from May 22-June 12. A briefing document was available at the public scoping hearings and is available on the NMFS website at http://www.nwr.noaa.gov/1sustfsh/groundfish/gf_eis.htm. Click on the link *May 2001 EIS Scoping Document*. The briefing document provides an overview of groundfish issues along with a useful summary of all FMP amendments and a draft outline for the SEIS.

What issues were identified during Scoping?

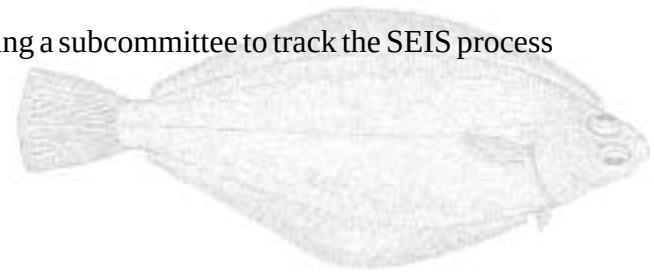
The issues identified during the scoping process for the SEIS are derived from both the government and interested public. Comments for each are synthesized separately, then merged to identify the key issues for the SEIS as a whole. From the key issues, alternatives for the draft SEIS will be proposed.

Summary of Issues Identified from Government Scoping

The Council forwarded to NMFS the comments of its Habitat Steering Group (HSG) on the SEIS. The HSG had the following recommendations on issues that should be addressed and alternatives that should be considered:

- Management tools identified in the Council's Groundfish Fishery Strategic Plan should help guide the analyses conducted in the SEIS. Specifically, habitat protection and restoration and the establishment of marine reserves should be included in the alternatives.
- Alternatives for the identification and establishment of habitat areas of particular concern for groundfish should be included in the SEIS.
- Alternatives for the assessment of gear impacts on habitat should also be included in the SEIS.

The Council commented that they are considering forming a subcommittee to track the SEIS process and provide input along the way.



Summary of Comments and Issues Identified from Public Scoping

The following table summarizes the comments received by NMFS at the six public scoping hearings and comments received in writing during the formal scoping period. Comments may or may not be verbatim. Where multiple commenters made similar comments, those comments were consolidated. Comments are grouped in the table by topic. The table is broadly divided into comments on the NEPA/SEIS process, the development of SEIS alternatives and general comments/observations. The development of SEIS alternatives section is subdivided further by issue: time/area management, fleet capacity, resource allocation, bycatch/discards, stock status, habitat, gear, stakeholder relations, and fishing industry/coastal communities.

ACRONYMS IN TABLE

CDQ: community development quota
Council: Pacific Fishery Management Council
DTS complex:: Dover sole, thornyhead (long and short-spined), and sablefish
EDCP: enhanced data collection program
EEZ: exclusive economic zone (3-200 nautical miles)
EFH: essential fish habitat
EFH IFR: essential fish habitat interim final rule
EIS: environmental impact statement
FMP: fishery management plan
HAPC: habitat area of particular concern
IFQ: individual fishing quota
ITQ: individual transferable quota
MPA: marine protected area
MSA: Magnuson-Stevens Fishery Conservation and Management Act
NEPA: National Environmental Policy Act
NMFS: National Marine Fisheries Service
SEIS: supplemental environmental impact statement

NEPA/SEIS PROCESS

- Scope of EIS should be broad to address broad questions; Consider whether EIS will look at specific management measures; Make scope of EIS manageable to complete on time
- *Spectrum of SEIS alternatives:* SEIS needs suite of options (not just status quo/no action) including alternatives not listed in the Strategic Plan and not within NMFS' jurisdiction; Consider fishing hard versus no fishing; Consider no fishing with harmful gear versus status quo; Evaluate full range of alternatives to minimize effects of fishing on EFH and environment
- Identify a preferred alternative
- EIS and all alternatives should be action precipitating
- Ensure EIS alternatives comply with current fisheries laws
- Make alternatives easy to comprehend
- Express management alternatives as proposed FMP amendments
- Completion of SEIS should await revision of the NMFS EFH IFR by the new administration; NMFS should not proceed with EFH amendments to the FMP or implementation of the EFH program until the revised final regulations and guidelines are promulgated
- View this SEIS as an opportunity to consider habitat conservation in the broad sense that Congress intended, as a tool for rebuilding overfished stocks and preventing overfishing of "unknown" stocks as well as complying with the EFH provisions of the MSA
- EIS process should be iterative, so that new information is incorporated as the EIS is being drafted
- Include anecdotal information in SEIS
- Analyze effects of actions on cultural/economic interests of non-tribal groups also
- Poor advertising and attendance at scoping hearings; NMFS and Council should use telephone surveys, personal interviews and questionnaires to obtain additional input from affected public

DEVELOPMENT OF SEIS ALTERNATIVES

Time/Area Management

- Consider discontinuing year-round fishery policy
- Move management from traditional single-species management to ecosystem-based approach

Fleet Capacity

- Reduce capacity, keep number of harvesters consistent with number of fish available
- Consider where and how to position large capacity vessels
- Overcapitalized, that's capitalism (i.e., don't subsidize, let capacity reach equilibrium)
- Overcapacity is too narrow an issue for an option in EIS analysis
- If limit capacity, don't need MPAs
- Revise scoping document to mention that FMP Amendments 9 & 14 reduce sablefish fleet capitalization

Resource Allocation

- Promote IFQs/ITQs
- Consider whether flexibility of ITQs will harm coastal communities
- Keep effort/people spread along coast
- Consider port quotas, like CDQs and Cooperatives, for West Coast communities
- Allow permit transfers between gear types in the limited entry program
- Hard to discern what is fair, making allocation politically difficult, just bite the bullet, allocate and move on
- Allocate resource equitably between recreational and commercial sectors
- Coordinate inshore species allocation for recreational and commercial sectors with States
- Consider gear impacts and efficiency during allocation (favor low impact, less efficient gear)
- Allocate catch to particular vessels rather than gear types based on "clean" fishing practices (low bycatch, minimal habitat disturbance by gear)
- Too hard to get an international agreement with Mexico or Canada on transboundary stock total allowable catch, they are too demanding
- Washington should allow commercial fishing, including live fish fishing, within 3 miles, especially for sablefish pots which have almost no bycatch; State denied access before a problem was demonstrated

Bycatch/Discards

- Bycatch and discards created by regulations; Analyze year-round fishery for bycatch/discards; Verify effectiveness of time/area management as a bycatch reduction measure
- Higher limits would reduce discards
- Standardize a reporting method for bycatch; Ask fishers to provide bycatch information in logbooks
- Lack of data on discards (number, type, mortality)
- Lack of research on bycatch-friendly gear; Hook-and-line fishery has no bycatch
- Create incentives to reduce bycatch
- Use bycatch/discard overages instead of throwing them away
- Recreational fishery should increase efforts to help discarded fish survive, especially undersized fish
- Reevaluate bycatch estimates for fisheries (EDCP results changed DTS complex bycatch estimates)
- Use bycatch caps to close target fishery
- If it's legal for you to sell, it's not bycatch
- Ocean ecosystem linked tighter than land ecosystem, therefore if protein taken out, effects felt elsewhere

Stock Status

- Quantify total mortality in the fishery
- *Prevent overfishing and rebuild overfished stocks*: Pacific Ocean perch (POP) almost rebuilt; Give a stock 20 years, set fishing at minimal bycatch levels and it will recover; Important to verify effectiveness of rebuilding plans; Consider impacts of rebuilding plans that are ecosystem based rather than single species
- Need full slope rockfish complex protection
- Need to study non-commercial species as well
- Foreign trawlers and seismic impacts from the petroleum industry have devastated stocks
- Natural cycles (ocean regime shifts) have more impact on stocks than overfishing

DEVELOPMENT OF SEIS ALTERNATIVES *(con't)*

Habitat

- What did we miss first time EFH was analyzed? Spent a lot of time on it
- *Narrow the designation of EFH*: Otherwise unnecessarily encumbers non-fishing activities with EFH consultation
- *Support current designation of entire EEZ as EFH*: Use HAPCs to further concentrate conservation efforts; Current designation allows NMFS to address non-fishing activities; Support precautionary approach of designating entire EEZ as EFH; Support EFH based on general oceanic and coastal habitat types as a proxy for habitat mapping, until further information is available
- Measures to protect EFH and the marine environment will also promote the recovery of degraded and the protection of healthy ecosystems; Marine habitats play important role in marine ecosystems by sustaining high levels of marine diversity and enhancing productivity
- NMFS should take aggressive approach to protecting EFH, including no-take marine reserves, area-based gear restrictions, gear modifications and a total ban on gear modifications designed to allow bottom trawls access to high relief, hard bottom areas; For species where fixed gear is available, trawl gear must be prohibited (maybe allow mid-water trawl); For species where there is no alternative to trawl gear, gear should not be constructed so that it destroys complex habitats (e.g., rockhopper, large roller and/or chafing gear); Consider only allowing trawling on flatfish; Evaluate/implement maximum diameter size limit on rockhopper and roller gear
- *HAPCs*: Council should improve its HAPC designation process to: (1) conduct a systematic approach for the identification and designation of HAPC for all groundfish species by a certain date, (2) identify general EFH habitat types sensitive to fishing disturbance for priority HAPC designation, and (3) research should start with the habitats of the most depleted species; Propose areas important to multiple species, serve multiple purposes; Create HAPCs to protect areas of high ecological importance; HAPC for key life stages of overfished and "unknown" stocks; One HAPC designation approach could be to designate areas within a species EFH that historically have the highest abundance levels or are important to juveniles; Creation of HAPC network- all of which are closed to bottom trawling (including mid-water trawling that might contact the bottom)- for the *Sebastes* complex in areas defined by Oregon Department of Fish & Wildlife as locations of high catch per unit effort (CPUE) rockfish tows from 1993-1995; HAPC should encompass rockfish areas and maximize enforceability (large rectangular areas > 1000 square miles); Create at least 2 off Washington, 2 off N. Oregon, 1 off S. Oregon
- *Emphasize MPAs*: Means of meeting multiple MSA requirements; MPAs are a precautionary tool; Evaluate existing MPAs; Network MPAs to increase benefits, include spectrum of habitats and ecological processes found; Consider implementation of marine refuges consistent with the process outlined by Auster, "Defining thresholds for precautionary habitat management actions in a fisheries context;" Consensus Statement on Marine Reserves and MPAs by the National Center for Ecological Analysis and Synthesis states that reserves result in increases in the abundance, diversity and productivity of marine organisms due to decreased mortality, decreased habitat destruction and indirect ecosystem effects
- Establish habitat research areas
- *Incentives*: Create incentives for habitat protection and/or use of habitat-friendly gear; Precautionary approach creates incentive for habitat innovation and research; Analyze use of incentives such as allowing exemptions in sensitive habitat areas if a particular fishing practice/gear type is shown not to be detrimental to habitat
- Precautionary management approach should include: (1) preventative action to protect habitats in advance of scientific proof of causality; (2) the proponent of an activity, rather than the public, bearing the burden of proof to show that a fishing practice or gear will not result in environmental harm; (3) a reasonable range of alternatives, including a no-action alternative (for new activities) considered when there may be evidence of harm caused by an activity; and (4) decision making that is open, informed, democratic and includes all potentially affected parties, including indirect stakeholders
- *Fishing/Gear effects on EFH*: Main issue for SEIS; Minimize adverse effects of fishing; Lack of data; Look at physical disturbances (rolling boulders, smoothing out ocean floor, sediment resuspension), biological (removal of benthic organisms, predator-prey relationships among targeted and non-targeted species) and chemical disturbances; Environmental effects should be analyzed by experts in biology, ecology, and oceanography as required by NEPA; Include conclusions on spatial extent, level and type of disturbance

(Habitat continued)

DEVELOPMENT OF SEIS ALTERNATIVES *(con't)*

Habitat (con't)

- *Fishing/Gear effects on EFH* (con't): Cases where data are limited, SEIS must identify potential adverse impacts that are occurring and the risks involved in delaying precautionary action; Small footrope requirement not enough to protect shelf; Mid-water trawl gets roller gear out of rockpiles, gives bottom a break; Trawl gear doesn't damage habitat (Alaska study that trawling doors tread lightly on bottom); Over 450 studies worldwide that document the adverse effects of trawl gear on fish habitat; Scope of EIS should include information such as the "Review of the fishing gear utilized within the Southeast Region and their potential impacts on essential fish habitat" by Barnette; Prior environmental and EFH analyses are inadequate because they: (1) do not assess the known and potential gear impacts on environment and EFH and (2) do not use scientific studies conducted in the Pacific and worldwide on fishing gear impacts on habitat; Categorize gear types used in the groundfish fishery by level of impact on various habitats (Could provide future guidance on targeting buyout money or developing conservation provision for a quota allocation system); Analysis should focus on applying existing scientific data to predict short and long-term effects of each fishing gear on each EFH; Analyze impacts of gear types on species managed under other FMPs and on non-commercial species (tube worms and sponges); EFH assessment alone will not do, NEPA requires broader analysis of effects of fishing on environment; Awaiting clear and conclusive scientific evidence is unnecessary, cannot be used as an excuse for delaying action on the time-sensitive mandate in MSA to minimize effects of fishing gear on EFH by 10/1998
- *Discuss non-fishing effects on the environment*: Major natural shifts happen (rivers and floods flushing to the sea); Whales destroy bottom more than trawling; Cruise ships (sewage affects bottom); Military dumping of dangerous/potent poisons; Cable-laying disturbances to bottom heal quickly, within hours (videos available)
- Evaluate an alternative that limits identification of non-fishing activities that adversely affect EFH to those substantial, identifiable effects that are appropriate for the Council to address; Previous NMFS and Council approaches of identifying a broad universe of upland and other activities that might have an impact on EFH is unrealistic and counterproductive to effective EFH program implementation
- Evaluate direct and indirect economic and social effects on non-fishing entities, including small entities, of the designation of EFH, activities that adversely affect EFH, and recommended conservation measures; These impacts include delay and requests for modification of analysis and project design for activities subject to EFH consultation, and attendant costs; Costs include those borne by federal, state and local agencies, and private applicants required to conduct and/or pay for impact analysis and other prerequisites to obtaining a federal authorization or funding

Gear

- Lack of data on relative selectivity of gear
- Favor more selective gear types
- Evaluate gear performance standards vs. design standards
- *Gear restrictions*: Create incentives/penalties rather than mandating gear changes/restrictions; Do not ban gear; Must be a better way to protect red rockfish than requiring small footropes; Prohibit rockhopper gear; Evaluate if small footrope requirement is working

Stakeholder Relations

- Public not given adequate representation in decisions
- Logistics of Council meetings poor (hard for working person to attend week long meeting)
- Distrust between fishers and management; Fishermen don't know where restrictions and regulations are coming from; No incentive for fishermen to give information to managers; Do not want observers, but that is the only way management can get information on fishery
- Regulations too complex; No one reads the *Federal Register*
- All fishermen need to band together to survive
- Need partnership between industry and government to move information for better future management

Fishing Industry/Coastal Communities

- Examine how can fishers improve their products and make more money from limited catches

(Fishing Industry/Coastal Communities continued)

DEVELOPMENT OF SEIS ALTERNATIVES *(con't)*

Fishing Industry and Coastal Communities (con't)

- Commercial fishing not just about money, fishermen love to fish, love seeing their food in restaurants/stores
- Consider effects on fishing communities (including processors, commercial and recreational fishermen, suppliers, coastal communities, tribes) through a holistic approach; Driving fishing communities broke; Look at economics both short and long-term (especially small seaside communities with no economic income outside of the industry); Council data ignores economic impacts of sportfishing and support businesses on coastal communities (including estimated potential income if stocks were abundant)
- FMP/Council must consider non-charter recreational as well as commercial and charter recreational fleet
- *Processing plants*: Supported by groundfish; Consolidation of fish processing industry not healthy
- *Fishing supply/service companies*: Affected by greater fishing community health; Few left on West Coast; Tough to deal with quick gear changes; Few suppliers to consolidate orders with; Can't buy gear/supplies in bulk therefore products in store are more expensive for fishermen; Changing gear requirements are confusing (never know what's legal); Suppliers act as credit line for fishermen (banks won't provide loans); More cutbacks in landings will begin to see breakdown in supply/service sector; Increase agency dialogue with supply/service sector; Harbors will have trouble being functional with groundfish disaster
- States and coastal communities need economic data and regulatory action to extract maximum economic value from the depleted groundfish stocks
- States/coastal communities need help evaluating restrictions on recreational take to maximize value while protecting easily accessible areas for charter and small boats; Solve puzzle of overlapping jurisdictions
- NMFS has allowed commercial fishermen to strip-mine the ocean to detriment of groundfish species, difficult for commercial and recreational fishermen and associated businesses; Public was not given adequate representation as required by law; Higher level of abundance would have been desirable for sportfishing, therefore more protective measures for resource if we had been managing for sport fisheries, rather than commercial
- Consider provisions of law to protect recreational fishing
- Recreational fishermen are trying to stir up recreational versus commercial issues

GENERAL COMMENTS/OBSERVATIONS

- General lack of data (biological, socio-economic); Current data out of date; Knowledge about fish and ocean too poor to manage properly; Not enough science to close down fishery
- Revise FMP goals to meet Strategic Plan goals
- Phrase "to the extent practicable" should be used for all fishery management, not just bycatch reduction
- Best way to manage fishery might be to not go as far out and to catch fewer fish
- NMFS should use the [National Standard Guidelines NS1] mixed-stock exception and get sued so that the courts can figure out what Congress meant
- Analyze methods to make fishery self-supporting (no tax dollars); Tax dollars shouldn't support overfishing
- Need observers; Perform economic analysis for transition to industry-paid full observer coverage; Industry should pay for observers or else close fishery
- If no money for proper enforcement, take precautionary approach and don't allow harvest until enforcement adequate (example of study on live-fish not getting reported on fish tickets in California)
- Devote adequate resources to regulating fisheries if want sustainability
- Recreational catch not being monitored enough
- No one fishes for just one species, it's a multi-species fishery
- Consider that fishers only use about 10% of EEZ
- Use information about ocean bottom/habitat from fishers onboard submarine cable layers' boats off Oregon
- Heceta Bank off Oregon full of fish vitality
- Mid-80s to 1990s, dramatic decline in abundance and size of nearshore reef fish (and groundfish) off California, possibly due to recreational and commercial overfishing; Lingcod decline in abundance and size particularly near the Sonoma and Mendocino coasts; *Sebastes* and shallow reef species decline sharply in 1990s in California; Rarely see large lingcod outside of no-take reserve such as Point Lobos in Monterey County, numerous in reserve; Mature sheepshead seem even rarer in California
- NMFS must act now to stop the harvest of depleted species
- Uncertainty should be resolved in favor of the fish, with economic and other considerations subsumed completely to the long-term imperative to sustain and improve the condition of these species